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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

In re Patent Application of:)
FOLIO)
Serial No. 09/896,894) Examiner: E. MCCHESNEY
Confirmation No: 1203) Art Unit: 2644
Filing Date: JUNE 29, 2001) Attorney Docket No. 51232
For: SUPPLEMENTAL AUDIO CONTENT)
SYSTEM WITH WIRELESS COMMUNI-)
CATION FOR A CINEMA AND)
RELATED METHODS)

APPELLANT'S REPLY BRIEF

MS: Appeal Brief - Patents
Commissioner for Patents
Alexandria, VA 22313-1450

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Sir:

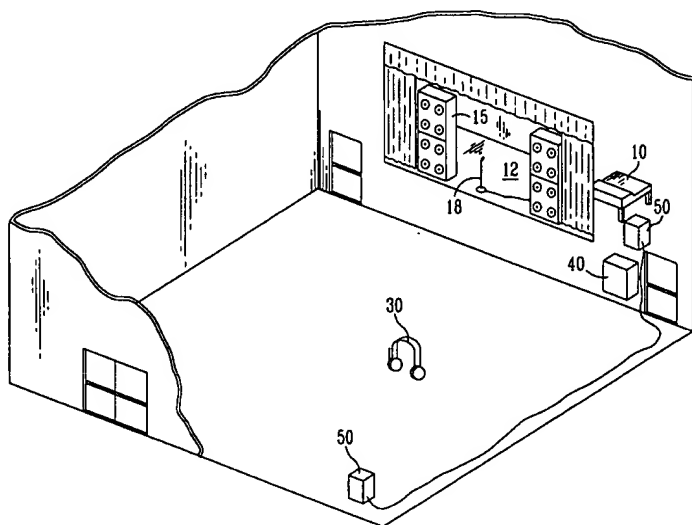
Herewith is Appellant's Reply Brief that is submitted in reply to the Examiner's Answer to Appellant's Appeal Brief. If any additional extensions and/or fees are required, authorization is given to charge Deposit Account No. 01-0484.

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I. Claims 1-64 Are Patentable

The Examiner asserts in the Response to Argument section of the Examiner's Answer that the Karamon et al. patent discloses everything except for wireless transmission. The Examiner bases his opinion on the position, believed flawed by the Applicant, that the Oltman et al. patent is a wireless system operating in the same environment as the claimed invention.

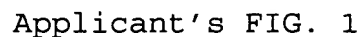
The Oltman et al. patent discloses the environment of a single venue as illustrated below.



Oltman et al. FIG. 1

The single venue is critical and required by the Oltman et al. system because the synchronization means operates based upon an approximate radial distance determined from the front of the main loudspeaker system. (See column 6, lines 1-29).

In contrast, and as pointed out in Appellant's Appeal Brief, independent Claim 1, for example, comprises a wireless transmitter connected to a supplemental audio content player, and a wireless receiver connected to an earphone worn by the movie patron that has operating characteristics to avoid interference with respective supplemental audio content systems for other cinemas of a cineplex. The plurality of individual cinemas of the claimed invention are illustrated below.



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In other words, the claimed wireless receiver avoids interference with respective supplemental audio content systems for other cinemas of a cineplex. The Oltman et al. patent fails to disclose such because the synchronizing means of the Oltman et al. patent selects a transmitter channel based on the synchronizing means' radial distance from the front loudspeaker as described at column 7, lines 37-53. In other words, the Direct Sequence Spread Spectrum (DSSS) channel selected by the synchronization means in the Oltman et al. patent avoids interference from other transmitters in the single venue based upon the synchronizing means' radial distance from the front loudspeaker.

The synchronization means of the Oltman et al. patent cannot properly operate in the claimed environment because the synchronization means would not avoid interference with respective supplemental audio content systems for other cinemas of a cineplex. For example, a first synchronization means located in a first cinema is a given radial distance away from a first front loudspeaker, while a second synchronization means in a second adjacent cinema is the same radial distance from the first front loudspeaker. As a result, the second synchronization means would experience interference trying to deliver, at the same time, the supplemental audio content for both the first and a second front loudspeaker. Likewise, the first synchronization means would experience interference trying to deliver, at the same time, the supplemental audio content for both the first and second front loudspeaker. Thus, the Oltman et al. patent fails to disclose, and indeed teaches away from, a wireless receiver connected to an

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earphone worn by the movie patron that has operating characteristics to avoid interference with respective supplemental audio content systems for other cinemas of a cineplex. Independent Claims 19, 32, 44, and 51 include features similar to Claim 1.

In addition, the Denenberg patent fails to provide the critical deficiency of the Kamaron et al. patent. Accordingly, all the claims are patentable over the cited art.

II. Conclusion

In light of Appellant's reply to the Examiner's arguments and the arguments presented in the Appeal Brief, it is respectfully submitted that all of the claims are patentable over the prior art. Appellant, therefore, respectfully requests that the Board of Patent Appeals and Interferences reverse the earlier unfavorable decision of the Examiner.

Respectfully submitted,



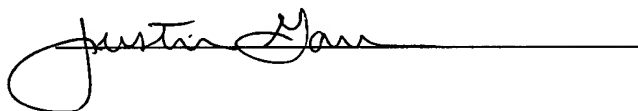
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Appeal Brief - Patents Commissioner for Patents Alexandria, VA, 22313-1450 on this 22nd day of June, 2005.

A handwritten signature in cursive script, appearing to read "Justin Gann", followed by a horizontal line.

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